

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

Glenn Williams, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	No. 1:20-cv-00420
)	
City of Chicago, <i>et al.</i> ,)	Hon. Virginia M. Kendall
)	
Defendants.)	

MOTION FOR ENTRY OF ORDER OF DISMISSAL OF UNSERVED DEFENDANTS

Defendant Tivity Health Services, LLC (“Tivity”), by and through its counsel, respectfully moves this Court for the entry of an Order dismissing Tivity Health, Inc., Healthways, Inc., and Healthways Services LLC as unserved defendants in this action. In support of this motion, Tivity states as follows:

1. On September 2, 2021, a telephonic status hearing was held in this case.
2. At that hearing, counsel for Plaintiffs stated, “[W]e are prepared to go forward with a dismissal of all . . . non-served defendants other than Mr. Emanuel[.]” (Dkt. 123 at 9-10.)
3. The Court then ordered, “Oral motion to dismiss all unserved Defendants with the exception of Rahm Emanuel is granted. You shall file a motion on the docket identifying those unserved entities and/or persons by tomorrow, 5:00 pm, so that we can get your docket cleaned up.” (*Id.* at 10; *see also* Dkt. 118.)
4. As of the filing of this Motion, Plaintiffs have yet to file any motion identifying the unserved entities and/or persons that Plaintiffs are dismissing from the case.

5. As such, Tivity identifies Tivity Health, Inc., Healthways, Inc., and Healthways Services LLC as entities named in Plaintiffs' Amended Complaint that have never been served in this case.

WHEREFORE, for the reasons set forth above, Defendant Tivity Health Services, LLC respectfully requests that this Court grant this motion and enter the proposed Order that Tivity has submitted to the Court via email concurrently with the filing of this motion.

Dated: September 23, 2021

Respectfully submitted,

/s/ David C. Layden

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CERTIFICATE OF SERVICE

Pursuant to Fed. R. Civ. P. 5 and Northern District of Illinois LR 5.5, the undersigned, an attorney of record in this case, hereby certifies that on September 23, 2021, a true and correct copy of the foregoing was filed electronically by CM/ECF, which caused notice to be sent to all counsel of record.

/s/ David C. Layden

David C. Layden